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The Once and Future CIA:

America's Most Interesting Sideshow

By DAVID WISE

WASHINGTON—If the capital can be compared to a three-ring circus, if a great deal is going on all at once, it is also true that, sometimes, more can be learned by watching the sideshows than the center ring. The future of American intelligence activities under President Ronald Reagan is a case in point.

When a friendly Senate Select Committee on Intelligence held its hearing in January on the President's nomination of his former campaign manager, William J. Casey, to be director of Central Intelligence, the television lights bathed the ornate Senate caucus room in a white glare and the reporters and photographers almost outnumbered the spectators.

A much more modest turnout greeted Navy Vice Adm. Bobby Ray Inman, director of the super-secret National Security Agency, the nation's code-breaking arm, when he appeared quietly before the same committee on Feb. 3 as Reagan's choice for deputy director of the CIA. Unnoticed by most observers, Inman let an interesting cat out of the bag.

While being questioned by Sen. Daniel K. Inouye (D-Hawaii), Inman explained that Casey expected him as deputy to improve the quality of U.S. intelligence and the agency's estimative functions—its ability to predict future events. Inman added: "He (Casey) will concentrate to a substantial degree on the covert operations, clandestine collection sides of the business."

Those are the sides of the intelligence business, of course, that Casey learned during his World War II experience with the Office of Strategic Services (OSS). As chief of secret intelligence for OSS in Europe, Casey infiltrated agents, some by parachute, into Nazi Germany to report on targets for air attack.

That Casey would wish to concentrate on the CIA's covert operations and clandestine collection is thus not wholly surprising, but Inman's comment is nevertheless an intriguing straw in the wind. It suggests that, under the Reagan Administration, the CIA may well increase the scope and number of its covert operations.

Certainly the climate is right. Casey and Inman have taken over the helm of the CIA under a President who is firmly committed to a stronger military and intelligence establishment. For the first time in the nation's history, a former CIA director, George Bush, is vice president. And, with the Republicans in control of the Senate, the CIA now has a good friend, conservative Sen. Barry Goldwater (R-Ariz.), as chairman of the Senate committee overseeing the agency.

There is an important structural change as well. The CIA has succeeded in abolishing the Hughes-Ryan Amendment, which had required it to report on covert operations to eight committees of Congress. Under the new law, the CIA need only report to two congressional panels, the Intelligence committees of the Senate and the House. During the mid-1970s, Congress investigated and revealed widespread abuses by the CIA, the FBI and other intelligence agencies—drug testing, mail opening, cable reading, domestic spying, Cointelpro (Counterintelligence Program) operations, wiretapping, bugging, and break-ins. It was even discovered that the CIA had hired Mafia gangsters to try to assassinate Fidel Castro and had plotted to murder other world leaders. There were pressures for reform, and lengthy proposed "charters" for the CIA and the FBI were introduced in 1978 and again in 1980.

The intelligence agencies resisted these measures, which would have defined and in some cases restricted their powers, and the bills died. Last Oct. 12, with no publicity, President Jimmy Carter signed into law all that was left of the proposed reforms—the Intelligence Oversight Act of 1980. It requires the President to give the two intelligence committees prior notice of "significant" covert operations—but allows him to explain later if he chooses not to comply. The law does require the President and the CIA to furnish "any information" on intelligence demanded by the committees, but it is a far cry from the massive "charter" legislation once envisioned.

William E. Colby, a former director of the CIA, says that covert activities—both political and paramilitary action—now account for only 3% or 4% of the CIA's budget, compared with 50% in the 1950s and 1960s. "I hope it will increase," he said, "because I think there are areas of the world where a little covert action can forestall much more serious problems later." Covert action, Colby maintains, can "avoid a situation of seeing a place descend into chaos or, alternatively, being tempted to send in the Marines."

Casey answered cautiously when the senators asked about covert operations at his confirmation hearing. Rigging elections, intervening in the internal affairs of another nation, he replied, "that kind of thing you only do in the highest interest of the country."

Just how far will the CIA be unleashed? "No one can predict whether the new oversight system is going to work," said Jerry J. Berman, legislative counsel to the American Civil Liberties Union, one of the groups that fought and lost the battle for charter legislation. "You have Goldwater who has said there are secrets he'd rather not know—he wishes he knew *less*. On the House side, the Intelligence Committee is more conservative and less balanced."

It is also clear that one of Goldwater's top priorities will be passage of a bill to protect the identities of intelligence agents. Such legislation failed to pass last year, but an identities bill was reintroduced on Feb. 3 by Sen. John H. Chafee, a moderate Republican from Rhode Island, and four bills have been introduced in the House.

Pressure for such legislation has mounted as a result of several factors: the exposure of the names of dozens of agents in the book by Philip Agee, a former CIA officer, and the assassination in 1975 of Richard Welch, the agency station chief in Athens, who had several months earlier been identified as a CIA man by the magazine CounterSpy. More recently, in July, 1980, gunmen attacked the Jamaica home of N. Richard Kinsman, who had two days earlier been named as the CIA station

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chief there by an editor of another publication, the Covert Action Information Bulletin. Kinsman was unharmed.

Sponsors of the identities legislation say it is aimed at such anti-CIA publications, which are in the business of "naming names." The serious problem is that such a law might violate the First Amendment by drawing into its net reporters, authors, academics and other citizens who might be writing about intelligence or foreign policy. It might, for example, inhibit reporters from writing about illegal activities by the intelligence agencies.

The first section of the Chafee bill, like similar legislation before Congress, is aimed at government officials who leak the identities of secret agents. It has drawn little criticism. But the second provision could apply to journalists and other citizens. It provides a $15,000 fine, three years in prison, or both, for anyone who "identifies an individual as a covert agent." An actual name need not be divulged to violate the proposed law if the discloser knows that the information could lead to an identification of a secret operative. And the term "agent" is very broadly defined to apply even to some persons who merely assist the CIA or the FBI.

In an effort to narrow the scope of the bill, the measure does require that the identification be part of a "pattern of activities" aimed at exposing covert agents and that the identity be revealed with "reason to believe" that the disclosure would harm U.S. intelligence activities. But the bill raises troublesome questions. After five burglars were arrested in the Watergate offices of the Democratic National Committee in 1972, it soon became clear that all but one had worked for the CIA in the past and that one, Eugenio Martinez, was actually on the agency's payroll for $100 a month at the time. If Bob Woodward and Carl Bernstein had revealed the CIA backgrounds of the Watergate burglars, would the two now-celebrated reporters have gone to jail? Do we want an official secrets act in America?

Susan Marmor is legislative coordinator of the Campaign for Political Rights, a coalition of 80 organizations concerned about political surveillance in the United States. She warned that an identities bill could have far-reaching effects. "For example, some students at UC Santa Cruz recently published the cables released by the Iranian militants, purporting to name the CIA agents among the hostages. The cables had already been reported in the press. By republishing them, have the students engaged in a pattern of activities? If this bill is passed, even someone talking about the story in the student paper at a cocktail party might be breaking the law."

In 1964, with Thomas B. Ross, I wrote "The Invisible Government," the first critical book about the CIA. In researching the Bay of Pigs, I located a number of courageous Cuban pilots who had flown in the CIA-backed invasion. These men spoke freely to me and were willing to be identified. The book also revealed that the CIA had tried to overthrow Indonesia's President Sukarno and we named the CIA pilot who had been shot down in that operation, noting that President Dwight D. Eisenhower had publicly and vigorously denied any U.S. role. Since I have written several other books dealing with intelligence and government secrecy, did this constitute a "pattern of activities" that would make me liable to federal prosecution?

Under Ronald Reagan, the CIA and its supporters in Congress can also be expected to revive legislation designed to exempt that agency partly or entirely from the provisions of the Freedom of Information Act. Similar legislation failed to pass last year. But it will certainly be considered once again under the new Administration.

At present, William Casey assured his Senate questioners, he intends "to adhere to existing guidelines," issued by his predecessors of the CIA, which bar the peacetime use of academics, clergy and most journalists as spies. But later on, he said, he might have the rules "liberalized" and "modified." The 97th Congress will also be considering an FBI charter to define the limits of political surveillance of domestic groups.

In sum, no one can predict the outcome of the legislative battles that lie ahead. But they will take place against the background of the crisis in Iran, the Soviet invasion of Afghanistan and the unraveling of detente. Combined with the Reagan-Bush victory, Republican control of the Senate and rapidly fading memories of past abuses by the intelligence agencies, conditions appear favorable for a resurgence of CIA covert operations, a general unshackling of the intelligence agencies—and perhaps, disturbing consequences for civil liberties at home.

David Wise is a Washington political writer whose latest book, "Spectrum," is a novel about a struggle for power inside the CIA.